

Customer No. 25280

Case No. 5019

REMARKSDouble Patenting Rejection:

Claims 17-22 and 24-32 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,821,936.

The Examiner submits that although the conflicting claims are not identical, they are not patentable distinct from each other because both applications are directed to a treated substrate comprising a finish which includes a metal salt and a binder material. The binder in the instant application is either a melamine formaldehyde resin, acrylic resin, PVC/vinyl copolymer. In the '936 patent, the binder is broadly recited to be selected from the group consisting of a nonionic material, anionic material, and mixtures thereof, which will broadly read on the instant application's binders. The substrate can be a yarn, a fabric comprised of individual fibers, and/or a film. The finish is adhered to the substrate surface, and the finish is retained in accordance with the wash procedure of AATCC Test Method 130-1981. The only difference between the instant invention and that of the patent is that the metal salt is generically claimed in the instant invention and reads on a silver zirconium phosphate, which is a metal salt. The silver zirconium phosphate is a species of the generic metal salt and to specifically choose silver zirconium phosphate would have been obvious to one having ordinary skill in the art at the time the invention was made.

Applicants have submitted herewith a terminal disclaimer in order to overcome this rejection.

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Conclusion:

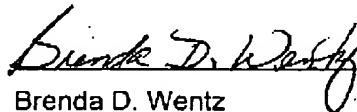
For the reasons set forth above, it is respectfully submitted that claims 17-22 and 24-32 stand in condition for allowance.

Should any issues remain after consideration of these Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

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Respectfully submitted,



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